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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,368	11/03/2003	Akio Nishiyama	F03-161820M/NY	9407
21254	7590	12/29/2006	EXAMINER	
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			TORRES, JOSE	
			ART UNIT	PAPER NUMBER
			2112	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	12/29/2006	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/698,368	NISHIYAMA, AKIO
	Examiner Jose M. Torres	Art Unit 2112

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 January 2004 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 11/03/2003.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Specification***

1. The disclosure is objected to because of the following informalities:
  - Page 1 Paragraph [0001] line 1: "JPEG" should be -- Joint Photographic Experts Group (JPEG) --
  - Page 3 Paragraph [0006] line 7: "rage of limitation" should be -- range of limitation --
  - Page 9 Paragraph [0019] line 17: "Huffman cording process" should be -- Huffman coding process --

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Yovanof et al. (U.S. 5,677,689).

Re claim 1: Yovanof et al. disclose an image compression method for compressing image data (Col. 4 lines 45-48), comprising: a compression

characteristics storing step for storing compression characteristics data indicating compression characteristics of plural types of images in advance (“calibration phase, activity metric A”, Col. 5 lines 28-40); a first compression parameter acquisition step for acquiring an initial compression parameter (“calibration phase,  $Q_{INIT}$ ”, Col. 5 lines 28-40); a second compression parameter acquisition step for acquiring a corrective compression parameter (“mathematical model,  $Q_{NEW}$ ”, Col. 5 line 41 through Col. 6 lines 4); and a compression process step for performing a compression process on image data of an image to be compressed based on the initial compression parameter or the corrective compression parameter (FIG. 3A, “coding the signal”, Col. 6 lines 38-59), wherein the compression characteristics indicate a relationship between a bit rate, which is a ratio between data volume and the number of pixels of image data, and a compression parameter associated with image quality and compression rate of the compression process (“activity metric”, Col. 4 line 65 through Col. 5 line 14); the first compression parameter acquisition step acquires the initial compression parameter based on compression characteristics data of an average image and a target bit rate (“ $Q_{INIT}$ ”, Col. 8 lines 39-49); and the second compression parameter acquisition step includes the steps of: acquiring information indicating complexity of the image to be compressed based on the bit rate of compressed image data acquired at the compression process step, compression parameter used at the compression process step, and the compression characteristics data (“ $Q_{NEW}$ ”, Col. 8 lines 39-49); and acquiring the corrective compression parameter

based on compression characteristics data of an image having the complexity and the target bit rate (Col. 8 lines 50-63). Claim 1 does not invoke 35 U.S.C. 112 sixth paragraph.

Re claims 2 and 4: Yovanof et al. disclose the compression process is a compression process based on JPEG standard, and wherein the compression parameter is a Q-value ("Q-factor", Col. 5 lines 15-27).

Re claims 3 and 5: Yovanof et al. disclose an image compression apparatus for compressing image data (Col. 4 lines 45-48), comprising: a compression characteristics storing section/memory for storing compression characteristics data indicating compression characteristics of plural types of images (FIG. 3A, "Q-table", Col. 6 lines 38-59); and a compression process section/processor for performing a compression process on image data of an image to be compressed (FIG. 3A, "362"), wherein the compression characteristics indicate a relationship between a bit rate, which is a ratio between data volume and the number of pixels of image data, and a compression parameter associated with image quality and compression rate of the compression process ("activity metric", Col. 4 line 65 through Col. 5 line 14); the compression process section/processor includes a compression parameter acquisition unit for acquiring an initial compression parameter and a corrective compression parameter ("Q<sub>INIT</sub> and Q<sub>NEW</sub>" Col. 8 lines 39-49), and a compression process performing unit for

performing the compression process based on the initial compression parameter or the corrective compression parameter (FIG. 3A "320" or FIG 4A "further processing of 424", Col. 7 lines 31-60 and Col. 8 lines 39-49); the compression parameter acquisition unit acquires the initial compression parameter based on compression characteristics data of an average image and a target bit rate and acquires the corrective compression parameter based on information indicating complexity of the image to be compressed, the compression characteristics data of an image having the complexity, and the target bit rate (Col. 4 line 65 through Col. 5 line 14 and lines 28-40); and the compression process section/processor estimates the complexity of the image to be compressed based on the bit rate of compressed image data acquired by the compression process, compression parameters used at the compression process, and the compression characteristics data (Col. 8 lines 39-63).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Watanabe et al. disclose a Picture Data Compression Coding Device and Method Thereof, Mita et al. disclose a Method and Apparatus for Coding Image Data, Ukita et al. disclose an Image Data Compression Apparatus Capable of Reducing False Color, Couwenhove et al. disclose a Data Compression Rate Control Method and Apparatus, Fukuda et al. disclose a Coding Method and Apparatus

Recorder and Taylor et al. disclose an Image Compression for Wireless Multimedia Communication.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jose M. Torres whose telephone number is 571-270-1356. The examiner can normally be reached on Monday thru Friday: 8:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on 571-272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMT  
12/19/2006



JONG SUK LEE  
SUPERVISORY PATENT EXAMINER